

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARK I. SOKOLOW, *et al.*,

Plaintiffs,

vs.

THE PALESTINE LIBERATION
ORGANIZATION, *et al.*,

Defendants.

No. 04 Civ. 00397 (GBD) (RLE)

NOTICE OF NEW AUTHORITY

Plaintiffs respectfully bring to the Court's attention Judge Brian Cogan's September 1, 2014 decision denying defendant's motion to exclude evidence and September 4, 2014 decision excluding background information on the Israeli-Palestinian conflict in *Linde v. Arab Bank*, Civ. No. 04-2799 (BMC) (E.D.N.Y.) (attached as Exhibits 1 & 2). *Linde* is an ATA action arising from terror attacks in Israel.

In the attached September 1, 2014 decision, the *Linde* court held that statements by a terror organization claiming responsibility for a terror attack are admissible statements against penal interest under Rule 803(b)(3), even when the declarant may have additional motives for making the statement. The fact that the declarant "may also have other motivations for claiming responsibility for an attack does not automatically render such claims inadmissible." (Exhibit 1 at 14).

The *Linde* court also denied the defendant's motion to have the confession of a terrorist to Israeli police excluded as hearsay, because the statements were self-incriminatory—even

though they also inculcated others, as permitted by *Williamson v. United States*, 512 U.S. 594, 603 (1994). (Exhibit 1 at 10-13).

In the attached September 4, 2014 decision, the *Linde* court held that “a general history of the conflict in Israel and Palestine is not relevant.” (Exhibit 2 at 2).

These decisions support plaintiffs’ argument that the Court should deny defendants’ motions for summary judgment and *in limine*.

Dated: New York, New York
September 5, 2014

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